

MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, OCTOBER 10, 2016

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting, Monday, October 10, 2016, 7:00pm.

2. Opening Prayer – Reverend Sarah Taylor-Peck, North Canton Community Christian Church led the opening prayer.

3. Pledge of Allegiance

4. Roll Call

COUNCIL PRESIDENT PETERS: Clerk, please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Griffith, Peters and Werren. Thus having 6 in attendance.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to excuse Member Kiesling?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to excuse Councilwoman Kiesling.

5. Consideration

COUNCIL PRESIDENT PETERS: Alright, for your consideration, may I have a motion and a second to approve as presented:

Council Meeting Minutes: September 26, 2016
Special Committee of the Whole Meeting Minutes: September 26, 2016
Committee of the Whole Meeting Minutes: October 3, 2016
Mayor's Court Receipts for August 2016
Financial Statement – August 2016 Month End Reports

COUNCILMAN FOLTZ: Motion to approve as presented.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to approve the above minutes and reports.

6. Recognition of Visitors

COUNCIL PRESIDENT PETERS: Alright, thank you. At this time, if you wish to address council, please step forward state your name and address.

CHUCK OSBORNE: 307 Fairview St SE, North Canton, Ohio. Back in April when I heard about the abatement of nearly a million dollars over the term of the abatement period. That didn't sound right. I didn't need to do any research, and I call that revelation unconscionable. And Mayor if you recall I gave you a letter urging you to dismiss Mr. Bowles. I'm sure we can all argue whether you moved in that direction or not, or whether there were other reasons. It doesn't make any difference. Just on the face of it, it was just unconscionable. I can't come up with another word. On tonight's agenda, you have a resolution, that is nearly a, could be described in the same manner. Its Resolution No. 6. To basically turn a portion of our governmental processes that involve the average everyday citizen into almost a court like atmosphere. And for anybody that's not aware of it, it's to make a portion of the Planning Commission meetings that deal with conditional use permits in a judiciary hearing, where you want people sworn in. I guess it's not enough that they come up here in public on the record that's transcribed verbatim, that will be kept in our archives as long as North Canton exists on the face of the earth. You don't believe them. You want them sworn in. It's a little intimidating, and as much as you people think I come up here calmly and speak to you, you really don't, but I'm compelled to when I see what goes on up here occasionally. If you want to go see the results of a judiciary hearing, Mr. Fox foisted his plan at a December Planning Commission meeting regarding the cell tower out at First Friends Church. It was a circus, he demands that everybody bring their own attorney. I don't know many, maybe a dozen attorneys, we had here that night, it lasted three hours. He told people if you didn't take the oath, your contribution to the process wasn't going to be recognized. Prior to the eventual vote by the Planning Commission, our law director in my viewpoint placed himself as if he was the presiding judge issuing jury instructions. The five members of the Planning Commission were themselves nervous, as cats on a hot roof. Trying to be whatever Mr. Fox wanted them to be. It is obvious and we've all talked about it for years, Mr. Fox doesn't care for me, and I'm not a fan of Mr. Fox. It's not funny Mr. Griffith.

COUNCILMAN GRIFFITH: I am not laughing.

CHUCK OSBORNE: But I can keep the personalities totally out of it, and look at just the issue. And I don't know if anybody comprehends what's going on. Mr. Fox has arrived here on the scene, and he places himself in the middle at every one of these meetings, gatherings, he's commandeer counsel. I urge you to leave the ordinance, the zoning ordinance alone. It's worked like that since 1961. It's worked satisfactorily. This is not government of Mr. Fox. It's not a government by Mr. Fox. And it's not a government for Mr. Fox. So I would urge you to just totally trash that, there's no reason to change it. And by the way, anything that happens up here, whether it's the Planning Commission, whether its Council meetings, it's all open for litigation. To pinpoint conditional use hearings, you would have to change everything regarding City Council operations, government. Because everything is open for litigation. So please do not make government an adversarial partner. That's all I have, thank you.

LAW DIRECTOR FOX: If I may before the next person begins.

COUNCIL PRESIDENT PETERS: Sure.

LAW DIRECTOR FOX: I did speak to council president this evening, and I spoke to our director of permits and development. And we've made the recommendation that we table that ordinance. Simply because our director wishes to take that straight to the Planning Commission. And although Mr. Osborne likes to say that I interject myself into these issues. Point in fact is that the Courts of Appeals have interjected themselves into these Planning Commission types of meetings. And state quite clearly that these types of meetings, a conditional use permit is required, it doesn't say Tim Fox says this, the Court of Appeals states that it's required for a conditional use permit that the Planning Commission have a adjudication hearing. Because it's an issue of property rights, and issues involving evidence. And that's quite different from a public meeting where folks are welcome to come in and give their opinions, and beliefs, and suggestions, and recommendations. However, when you're dealing with someone's rights to develop their property, they have the right to make sure that the hearing for that purpose is a adjudication hearing that involves rights, evidence and so forth. But we'll take this up with the Planning Commission if you take that recommendation to table it.

COUNCILMAN FOLTZ: Okay, thank you.

COUNCIL PRESIDENT PETERS: Okay, alright, anyone else wishing to address council please step forward. Melanie?

MELANIE J ROLL: I think at prior meetings, there's been discussion about the properties around North Ridge. And how they were helped revitalize the area. So Miriam and I would like to put forth this timeline. October 2008, a murder occurred in Evergreen Mobile Home Park. It was an isolated incident due to an altercation between two men. 2009, Jester Courts Agency built a new office building close to Evergreen. 2009, Sherman Williams built a new building close to Evergreen. December 2010, CVS bought land close to Evergreen and built a new building. January 2011, O'Reilly's Auto Parts bought land close to Evergreen and built a new building. January 2012, developers bought Evergreen Mobile Home Park. November 2012, Walthers bought land close to Evergreen prior to North Ridge being built. Contrary to what developers have said, the area around Evergreen was revitalized before North Ridge was built. Before North Ridge was built, five businesses built new buildings in close proximity to Evergreen without receiving CRAs. These were the businesses that revitalized the Evergreen area and financially benefit the City with income tax. Not North Ridge. There's no evidence North Ridge CRA has financially benefited the City in any way. North Canton Schools, many employees are paying income taxes that benefit the City financially. North Ridge CRA is depriving our schools of much needed revenue. North Ridge drains City services without paying taxes for those services. There's evidence that each of the apartments on Holl Rd, Beachwood and 1800 Everhard, which are three apartment complexes had as many police and EMS calls as the Evergreen Mobile Home Park. This proves Evergreen was not the only trouble spot in North Canton. Please find alternative ways for economic development other than CRAs, which are financially hurting our schools, one of the City's largest employers.

MAYOR HELD: I thought you forgot us, Melanie, alright, thank you.

LAW DIRECTOR FOX: Notice that your clerk didn't receive that. So if someone asks for a copy of that from your clerk because council received it, your clerk hasn't received it. If you wish to have the clerk receive those types of things because someone may make a public record request. If you only provide those to councilmembers and then make a request from your clerk, it's not available because she doesn't have it. We can make a copy really quick, it's just a recommendation.

MIRIAM BAUGHMAN: 320 Weber. I know that you've tabled Resolution No. 6 – 2016, but I did a lot of work on this, so I'm going to talk anyway. The amendment to Chapter 1177, section 1177.05 which is to have Planning Commission change public hearings to a judiciary hearings, so residents can take an oath before speaking, and this is for conditional use. I contacted and received answers from law directors of the City of Canton, the City of Wadsworth, the City of Green, Jackson Township, and Stark County Regional Planning Commission regarding requiring residents taking an oath before speaking at any of their Planning Commission public hearings. All the above told me no. Residents do not have to take an oath before speaking. There's been an Ohio law reference which I heard tonight was Appeals Court. To me, as far as I know, it's the Ohio Revised Code that's our law, not Appeals Court. Canton is not a charter city, and has to follow Ohio law. If there is a law why isn't Canton having residents take an oath at Planning Commission public hearings? And why isn't Stark County Regional Planning Commission requiring residents to take an oath before speaking before during public hearings? It is difficult for some residents to speak during public hearings. Why add to their anxiety by having them take an oath? Please do not allow this change to an ordinance that has worked for many years. Thank you.

COUNCIL PRESIDENT PETERS: Okay, anyone else wishing to address council please step forward, state your name and address. Okay, we'll move onto old business. May I have a motion and a second to read by title only the third reading of Ordinance No. 62 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to read by only the third reading of Ordinance No. 62 – 2016.

7. Old Business

8. Ordinance No. 62 – 2016

Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, pursuant to Ohio Revised Code 9.48, to participate in joint purchasing programs with other political subdivisions for the purchase of machinery, materials and supplies used by various City departments, and specifically, to join the National Joint Purchasers Alliance for said purpose.

COUNCIL PRESIDENT PETERS: Chairman Griffith?

COUNCILMAN GRIFFITH: This is a group purchasing group as it says, and Mike did a great job of describing it a week ago. No downside for us, just an opportunity to collaborate with other institutions in addition to which, in addition to the other groups that we're already a part of. If there are no other questions, I would move its approval.

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes to adopt the third reading of Ordinance No. 62 – 2016.

ORDINANCE NO. 62 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

9. New Business

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 66 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: So moved.

Roll call vote of 5 yes, 1 abstain to read by title only the first reading of Ordinance No. 66 – 2016. Fonte abstained.

10. Ordinance No. 66 – 2016

Community and Economic Development Committee

An ordinance revoking the designating of all City of North Canton Community Reinvestment Areas ("CRA"), terminating the City's CRA program for new residential, commercial, and industrial tax exemption applications for new structures, rehabilitation, and remodeling, as may be permitted under Ohio law, specifically Ohio Revised Code ("R.C.") Section 3735.65 through 3735.70, thereby repealing all local legislative provisions inconsistent herewith, as may be described in North Canton Ordinances 22-99, 106-00, 71-04, 107-09, and 5-10.

COUNCIL PRESIDENT PETERS: Thank you. Vice Chair Cerreta, if I may.

COUNCILMAN CERRETA: You may.

COUNCIL PRESIDENT PETERS: Okay, this basically says it all. We are stripping the CRAs from the books and hitting the reset button. It's been a convoluted mess up to this point, and this is the first step in the direction of fixing it. So, if there's no further comment, I'll entertain a motion and a second to adopt the first reading of Ordinance No. 66 – 2016?

COUNCILMAN FOLTZ: Motion for first reading.

COUNCILWOMAN WERREN: I just wanted to make a comment.

COUNCIL PRESIDENT PETERS: Yeah, yeah.

COUNCILWOMAN WERREN: So, you know, last week and for numerous weeks we've talked about this. And as you know, I have

commented that, yes, I agree the rulings it doesn't right how it's constructed, and it's difficult for the schools. And we all have our need areas, and we're trying to do the best we can. And you know, I believe in development and wanting the City to grow as strong as we can. I was just in downtown Kent the other day too, and I was so impressed with what they've done. I have no idea if it's because of CRAs, and I don't know what they've done. And that's what bugged me, is I don't know. And so was it something creative, or was it something that they, you know, took parts of this and parts of that? And I remember Daryl commenting on that, and Dave, you mentioned that last week. And so I do think, I like what you said, we have to hit the reset and get some different partners. So whether it's a new committee that we start, I'd love to be on that committee. And just to I guess start over. You know maybe there were things we could do differently and better. I know, Eric had, you know, he gave us the Shaker plan and but maybe it was dated. I mean it did seem a little dated when they presented. So maybe there's just new things that we can look at, and move forward in some other way. So...

COUNCIL PRESIDENT PETERS: I'm glad you mentioned Kent, as well. Because I've, we were up there a couple weeks ago, drove through there and it's unbelievable what they've done. And I thought the exact same thing, is how? How was this done?

COUNCILMAN CERRETA: We went up talked with them, a lot of it is alumni donations from alumni that were...

COUNCILWOMAN WERREN: Well maybe there's North Canton alumni we haven't reached out to. But...

COUNCILMAN FOLTZ: Just to add, they have a lot of Akron Metropolitan Area Transportation money, public works money. They really leverage what they could do with grant dollars through those programs. You know, that involves ODOT, and some of the other local road committees that are involved. So it all came together because, but the Gateway is a big part of that. I just went to a seminar on that, so...

COUNCILWOMAN WERREN: Okay.

COUNCILMAN CERRETA: It is beautiful though.

COUNCILWOMAN WERREN: But, you know, utilize it, you said you've been to seminars and so maybe there's some different ways that I mentioned so many of these neat little cities and I want us to be that. I envision that. It's just going to take a little time to get there. But I don't want us to not have some of these tools for Gary, he needs them.

COUNCILMAN FOLTZ: Right. I agree I think Gary this will allow Gary to have a clean slate and look at some other options and study this and bring back, you know, his opinion, and, you know, his expertise. We can all look around and bring it to the table and see what we need to do as our president said, get this right, get it less confusing, more active hopefully for at least some the residential and see how it affects everybody, schools, our City service, everybody included. Not just be one sided but look at it all encompassing and work to the betterment of our community. I think that's what everybody up here is about, obviously. So we've had great discussion on it. So, like I said, I support the first reading, unless there's other comments.

COUNCILMAN GRIFFITH: One of the major issues that we have to deal with is there's some pieces of this that has to be revoked. Because it was done incorrectly in 2009 and 2010. So let's not, I mean, we can't forget that regardless of how we move forward in the future, we've got to do some revocation. Which is an issue. But I really do think, and I'm also fully committed to this, taking away some of the big development tools, for what's there is a real problem. Now, having said that, I think what we had before was a sledgehammer, and what we need to be creating is a much more nuance tool. Something that's available where we can all as a city, as a community, as a school district get behind it and say "this is the kind of development that we really would want", not just how it looks and how it feels, but economically something that would be a benefit to us. So, I want us to be committed to moving forward in a way that also would be a collaborative approach between us and the school district. That would not be a sledgehammer, but would be much more of a nuance piece. And we have to continue to be pro-development in our community. I think in North Canton we often make the mistake of assuming that because things have always been good, that they will always be good. And that is not the case. We have to work to make them good, and we need to have as many tools as possible to do that. So I reluctantly support this because we need to, but I'm equally as committed to moving forward with thoughtful, productive development in the future.

COUNCILWOMAN WERREN: Good points.

COUNCILMAN FOLTZ: Well said.

COUNCIL PRESIDENT PETERS: Okay, there was a motion, is there a second to adopt?

COUNCILMAN GRIFFITH: Second.

Roll call vote of 5 yes, 1 abstain to adopt the first reading of Ordinance No. 66 – 2016.

ORDINANCE NO. 66 – 2016 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Alright, thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 67 – 2016?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 67 – 2016.

11. Ordinance No. 67 - 2016

Street and Alley Committee

An ordinance approving, confirming, and accepting a perpetual culvert and drainage easement known as Parcel No. 5609242, and being part of Open Space “C”, by and between the City of North Canton, an Ohio charter municipal corporation (“City”), Grantee, and The Sanctuary Owners Association, Inc., Grantor, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Fonte.

COUNCILMAN FONTE: Okay, this is we talked about this last week. This is just something that we’re tidying up business. It’s an existing drain area with that nice stone that Cerreta likes. And we’re just cleaning it up, so we want to get that on as an emergency. So I move that we pass the reading.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 67 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to suspend the rules of council for three readings for Ordinance No. 67 – 2016.

COUNCILMAN FOLTZ: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to suspend the rules of council for three readings for Ordinance No. 67 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to adopt under suspension of the rules Ordinance No. 67 – 2016.

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 67 – 2016.

ORDINANCE NO. 67 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 68 – 2016.

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 68 – 2016.

12. Ordinance No. 68 – 2016

Street and Alley Committee

An ordinance approving, confirming, and accepting a perpetual culvert and drainage easement known as Parcel No. 1007844, and being part of Out Lot 401, by and between the City of North Canton, an Ohio charter municipal corporation (“City”), Grantee, and McKinley-Applegate LTD., Grantor, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Fonte.

COUNCILMAN FONTE: Okay, so this is the new section of the Sanctuary, where they are expanding it. And this is the same thing as the last one, but it’s just a new section. So it’s an ongoing culvert easement. I move that we pass on emergency.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 68 – 2016.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules of council for three readings for Ordinance No. 68 – 2016?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to suspend the rules of council for three readings for Ordinance No. 68 – 2016.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No. 68 – 2016?

COUNCILMAN CERRETA: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 68 – 2016.

ORDINANCE NO. 68 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 69 – 2016.

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 69 – 2016.

13. Ordinance No. 69 – 2016

Street and Alley Committee

An ordinance amending North Canton Codified Ordinance 911.01(b), Criteria for Name Change, in order to minimize pedestrian and traffic confusion and to optimize safety and the efficiency of traffic flow, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Fonte.

COUNCILMAN FONTE: Okay, just as stated, it's just to create easier access for deliveries and whatnot for people to find the alley. And it's on an emergency and I move that we approve that.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 69 – 2016.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules of council for three readings for Ordinance No. 69 – 2016?

COUNCILMAN CERRETA: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to suspend the rules of council for three readings for Ordinance No. 69 – 2016.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No. 69 – 2016?

COUNCILMAN GRIFFITH: Second.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 69 – 2016.

ORDINANCE NO. 69 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Alright, thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 70 – 2016.

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 70 – 2016.

14. Ordinance No. 70 – 2016

Water, Sewer and Rubbish Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into an Agreement of Cooperation with the City of Canton for the purpose of permitting Canton to locate a monitoring water well on the property known as the Oster Property owned by the City of North Canton, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Cerreta.

COUNCILMAN CERRETA: Well, we talked about this in committee, that Canton needs a monitoring well and their source water protection plan deems the site on our land is the best place for it. They will be paying for it, so as you would say there's no downside to it, and it's a win, win. So I move that we approve this on the first reading.

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 70 – 2016.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules of council for three readings for Ordinance No. 70 – 2016?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to suspend the rules of council for three readings for Ordinance No. 70 – 2016.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No. 70 – 2016?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 70 – 2016.

ORDINANCE NO. 70 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Alright, thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 71 – 2016.

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 71 – 2016.

15. Ordinance No. 71 – 2016

Finance and Property Committee

An ordinance authorizing the Director of Finance of the City of North Canton to make payment to Plain Township in the amount of \$4,540.03 for annexation property tax reparations due through tax year 2015, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Griffith.

COUNCILMAN GRIFFITH: This is a payment for an annexation that was done just over a decade ago. We're almost to the end, and it's a statutorily required payment. Any other questions? I move for its approval.

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 71 – 2016.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules of council for three readings for Ordinance No. 71 – 2016?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to suspend the rules of council for three readings for Ordinance No. 71 – 2016.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No. 71 – 2016?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 71 – 2016.

ORDINANCE NO. 71 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to table Resolution No. 6 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to table Resolution No. 6 – 2016.

16. Resolution No. 6 – 2016 Ordinance, Rules and Claims Committee

A resolution, pursuant to North Canton Codified Ordinance 1181.04, recommending the amendment of CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, of the City’s Planning and Zoning Code.

RESOLUTION NO. 6 – 2016 WAS TABLED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Resolution No. 7 – 2016?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Resolution No. 7 – 2016.

17. Resolution No. 7 – 2016 Community and Economic Development Committee

A resolution in support of a county-wide study, which may lead to a collaborative plan and support for next generation broadband infrastructure.

COUNCIL PRESIDENT PETERS: Exactly how it reads, just a resolution of support and there’s a reference made, mentioned there’s a breakfast this Wednesday. Where is that?

COUNCILMAN GRIFFITH: Kent Stark, and it’s a description of the whole process, basically.

COUNCIL PRESIDENT PETERS: Okay, alright, very good.

COUNCILMAN FONTE: Do we get invitations for that or how does that work?

COUNCILWOMAN WERREN: I think I had gotten an email invitation. Its open to the public, they did a survey, and the survey results, and kind of the next steps, and planning.

COUNCILMAN CERRETA: I do think it was in the chamber though, saying we should call in. I think it was in the last newsletter that, you know, to... But I move that we proceed with it then.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to adopt Resolution No. 7 – 2016.

RESOLUTION NO. 7 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Resolution No. 8 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Resolution No. 8 – 2016.

18. Resolution No. 8 – 2016 Finance and Property Committee

A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

COUNCIL PRESIDENT PETERS: Thank you. Chairman Griffith?

COUNCILMAN GRIFFITH: This is as we discussed an administrative act relative to our tax levies. I move its approval.

Roll call vote of 6 yes to adopt Resolution No. 8 – 2016.

RESOLUTION NO. 8 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

19. Reports – Council:

COUNCIL PRESIDENT PETERS: Thank you. Reports, Member Fonte.

COUNCILMAN FONTE: Two things. One, was for Engineer Benekos, if you could just, you may not be ready tonight. But we're just curious, we've been talking a lot about the roads. It seems like this year, we got off to a slow start. So we just want to know how we're doing with that. So maybe let us know either tonight, or another day. And the second thing is, a citizen mentioned to me about Tristan Rubber. That it's so close to the well head and it's just sits there rotting away, you know. I didn't know if we knew anything, what the status was of Tristan Rubber. Would that be something of interest to us, if they were selling it, to control and protect the well head area? So I just wanted to mention that if anybody has some information maybe we could talk about that. That's all.

COUNCIL PRESIDENT PETERS: Thank you. Member Werren.

COUNCILWOMAN WERREN: Jim, I also had a question for you. I noticed on one of the emails, the bridge with the culver that was going to be redone on Easthill. I had thought that construction was starting now, hereabouts. And it looks like it's moved to 2017. For money reasons, timing, what was the reason?

ENGINEER BENEKOS: That's an ODOT project.

COUNCILWOMAN WERREN: Okay.

ENGINEER BENEKOS: And they're paying for everything.

COUNCILWOMAN WERREN: Right, we're at their mercy.

ENGINEER BENEKOS: So, but we're approving anything that they do.

COUNCILWOMAN WERREN: Okay, so does that affect, because I know we had put Easthill possibly on the pavement. Are we going to wait?

ENGINEER BENEKOS: No.

COUNCILWOMAN WERREN: Okay.

ENGINEER BENEKOS: The bridge was going to be replaced, there's two high pressure gas mains there. The cost to relocate those \$800,000 to \$1,000,000. ODOT said "we're going to look at some other options". So they're going to rehab the structure in place, and not have to tear it out, and take out the road. We are going to pave Easthill, we're going to do our portion of Easthill.

Basically just east of the bridge and it will continue to the corporation limit. When ODOT does the bridge they're going to do some of the catch basins and storm work above the bridge. And when they do that, they'll resurface the portion from where we stopped over to Main Street. And that's supposed to take place next year.

COUNCILWOMAN WERREN: Okay, Plain Local, they redid the other portion of Easthill. So it's really nice, I'm kind of looking forward to it, it's great. And thank you also, there's a house being built on Easthill that had a lot of issues, wells, and different things. And what they're doing is beautiful, and thank you for working with them. And I know that was a lot of time, and money on that person's list. So thank you. .

COUNCIL PRESIDENT PETERS: Member Griffith.

COUNCILMAN GRIFFITH: No report tonight, in honor of Columbus Day, go Tribe.

COUNCIL PRESIDENT PETERS: Member Cerreta?

COUNCILMAN CERRETA: Well first report, the Indians are winning 2-0. So that's a good report, for that. I'll second the report on the roads though, James, over there. I don't know, what the temperature rate is for that, I mean, we're coming in the middle of October again. Same thing we've been talking about. When does that temperature thing start changing where we can't do it, where it works? And I'm glad to see, we were walking up and down Salway, even though it's been almost four months for Salway. They look like they're getting some curbs in. Don't know what the deal is with that. And then I believe its Bachtel here by the school, we want a little, maybe a report on where that's at. That started when school started, I think we all know that, the first day of school. And it still sits there with those orange barrels. And that's a highly traffic road for the buses. So we need to look at that, and more importantly, I don't want to be criticizing, but we need to look at for the future. That's what I want, we can't be doing that kind of thing to busy roads in the future. I don't care what the contractors want to do, we're the ones paying for it, and we should have the better say in what's going on with roads that are that busy. So I've been hearing about now for about three, four months from residents of the people, especially the ones that live there and the buses are going up and down stopping and people go by. So we can do a better job, we're going to do a better job with that in the future. That's all I have.

COUNCIL PRESIDENT PETERS: Thank you. Member Foltz?

COUNCILMAN FOLTZ: I agree, we appreciate the paving that's getting done. I know West Maple's coming right along. And I think the secondary street was just paved too today. So, hopefully the weather will hold out and we'll get everything done that we want. So we're not all not doom and gloom here to you Jim. We're just anxious because we get calls, and we just want to see it done earlier if we can do it. So, thank you.

COUNCIL PRESIDENT PETERS: Thank you. Director of Law?

20. Reports:

LAW DIRECTOR FOX: Yes, there was a really good question that a resident had made earlier this evening, and made the statement that isn't Revised Code the law? And indeed it is, as is our local ordinances, our state Constitution, rules from administrative agencies, and so forth. Those are all rules, they're laws. However, our Courts of Appeals when they hear cases involving those types of rules and laws, they make their interpretation of what those things mean. And that's called judge made law, court law, and it's often called common law. And that actually controls. So when interpreting the Revised Code, if our Appellate Courts have spoke on the subject of certain things such as, many municipalities make the mistake of having a public hearing regarding a conditional use permit. And then the courts go on to state that's a mistake. This is a hearing involving property rights. And those municipalities should be having judication hearings, and they discuss about placing people under oath, taking testimony, having exhibits of evidence, and so forth. So, simply following the Revised Code in that it doesn't state that you're required to have this. However, when our Appellate Courts comment on that in their opinions that is actually the requirement to follow the law. And if your law director was defending the city in a lawsuit or a hearing and so forth, and the issue came up to defend whether or not the city was following the law, you can't look to numbers and say "this municipality, and this one, and this one, and this one, they all do it this way". If the courts have interpreted a certain way that is how that court is required to interpret it as well. So long as it superior court, and a good explanation of the fallacy of the strength in numbers comes to mind, and recently I was at a training session. And the person that was delivering the speech and the training had said, and there was about 60 municipalities that were represented there. And the person said "I'm going to bet that not a single one of your municipalities has what's called a personal information policy", and I was the only person that raised my hand. And he said "tell me how you're aware of that"? And I said "I got lucky, I read it in reading an inspection report from another municipality, and it got a deficiency". It was written up for that for not having that. And he had stated "exactly", its required, it became part of the Revised Code a number of years ago. It wasn't fully advertised if you will, it really didn't get out there, and those that get caught without having those, or worse yet, a public employee falling outside of the guidance of a personal information policy, it's a criminal penalty for that public employee for not protecting that type of personal information, and for categorizing it, so on and so forth. So the thought that the strength in numbers argument somehow supports you, it actually doesn't. You have to be up on these things, and simply because other municipalities do not have a judication hearings for the conditional use permits doesn't state that "well we should just follow that strength in numbers", because our Appellate Courts have spoken quite clearly. And actually they're stating that they're kind of frustrated with this, because often times they have to send these appeals back to the municipalities because they didn't have this type of hearing, and they actually didn't have

sufficient evidence on the record, because they simply had an open meeting where anyone could come and speak, give their opinion, their recommendations, their suggestions. And the courts aren't clear whether the Planning Commission is taking that information, or actually parceling through and hitting the actual pieces of evidence and testimony that's before the Planning Commission. So, although we recommended to take it out of this forum, to take it to the Planning Commission, this is indeed what we'll present to the commission and ask that they make a recommendation to council, along with some other types of recommendations that we've all spoken about. That we need to update ourselves in our Planning and Zoning rules. That's all I have.

COUNCIL PRESIDENT PETERS: Thank you, Director of Finance?

FINANCE DIRECTOR BROWN: In looking at the levies that you approved this evening for next year, there is one that will expire at the end of the next year. So I just wanted to make you aware of that, that's the ambulance EMS. That's a five year renewal, so you'd have three shots during 2017 to put that on the ballot. If you wanted to renew that. So just kind of a, for the future, have you thinking.

COUNCIL PRESIDENT PETERS: Okay, thank you. Mr. Mayor?

MAYOR HELD: Yes, just to give everybody an update as far as the CRA. We do have at least, first off to take a step back, when we look at the whole CRA appeal process. It's not like we had application forms, you know, we've never really went through in recent history appealing the CRA. And so there's been a lot of talk about the CRA, and what the City can do, what the City should do. Whether it was filed correctly, whether it was not. So, Gary Fry, who serves as our Housing Officer, he did file a complaint for an appeal with the Housing Council. And that's really not taking a position, either way. It's really just to present the information to the Housing Council, so they can make a determination. Because when you look at the process, Gary being the Housing Office does report to in his role as the Housing Officer to the Housing Council. And so if there's going to be any changes, or modifications, adjustments, any decisions on the CRA, it must go through the Housing Council. That's the first step. So Gary went ahead and filed that appeal on Friday. Certainly with my support and approval, and Mike Grimes' as well. And I think that, you know, we have to resolve this CRA, and that's specifically with North Ridge. In addition to that, we did have the North Canton City Schools that did send us a letter, as far as a complaint. But when you look at the process, you know, there's certain requirements that have to be met. Certain exchanges of information that we have to have. So Gary also went through and put together an application process for a CRA approval. And that's nothing more than just to make sure that all the information that you require, such as, you know, who's appealing it, your name, your address, contact information, the purpose of the appeal. Things like that. So Gary went ahead and put that together. And it's just really to bring to formalize the structure for a CRA appeal. But we did have North Canton City Schools, they're represented by their legal counsel, the Educational Service Center that did send a letter of complaint or an appeal. But they still have to go through and formalize the process in reference to our application, I believe Gary?

ECONOMIC DEVELOPMENT DIRECTOR FRY: Yeah, there were just some questions about what exactly they were asking in their letter. Based on the ordinance, based on the Ohio Revised Code. I've been in contact with their legal counsel and we'll be getting back with her tomorrow to kind of formalize exactly what it is they are asking. Because it wasn't clear in the letter.

MAYOR HELD: Okay, and then if you want to comment too, on one of our residents also sent in a letter.

ECONOMIC DEVELOPMENT DIRECTOR FRY: Yeah, so as the Mayor said, last week, last Monday's Council meeting we did receive a somewhat of an appeal from some residents. I am looking at what is required for the appeal, and the required information wasn't complete. I did send a letter back to those residents with an actual application. We waited several days to, you know, see if they would resubmit that. When they didn't on Friday, as the Mayor mentioned, I did go ahead as the Housing Officer and submit my own appeal asking the Housing Council to render a decision as to the efficacy of the November 26th, 2012 Housing Officer decision. It's not in my role as Housing Officer, I can't overturn that, only the Housing Council can. So I have asked them to make a decision. One way or the other. Because I can't move forward in my role as Housing Officer without a decision on that.

MAYOR HELD: And one of the other items too that's been brought up, because again, this is not something that we normally go through when you look at an appeal to the Housing Council, is that there has to be a method to formalize, you know, action. And so what we're doing is, you know, we're creating that mechanism, you know, for example, you know, we had one of our residents ask "is there a deadline for appeals"? No, there really isn't a deadline, but we just, you know, commonsense would dictate that we just can't have, you know, week after week after week have an appeal. So that's really where the city, it was actually Gary's recommendation for him to file an appeal just so operationally he can function in the office in reference to the CRAs. And at the time, I, when we talked I thought that would be a good move. Just to bring some sort of resolution to it. But we wanted everybody to be aware that there has been at least, you know, the schools, the Stark County Educational Service Center, their attorney is representing the North Canton City Schools, file a complaint. But Gary's working with them to make sure that they're going through the application, or the appeal application process. And then also one of our residents had filed a complaint or an appeal, but we're making sure that they go through the same steps, just so there's consistency with that. And then there's no date that's been set yet for the Housing Council to meet. But we do have, you know, all members in place, and then we'll go through the process. So that's all I have on the CRA. The next item that we do have is the Stark County Development, Stark County Board of Development, they have a new director, Ray Hexamer. Yes, you are top of it, maybe you should comment on that, Stephanie.

COUNCILWOMAN WERREN: I love Ray. He's great, he was Massillon's development, and they looked around and I think they did a search. He's open minded, he's progressive, he's owned businesses, he's been involved in a lot of community, different services, and just thinks very strategically, and collaboratively. And I saw both of them downstairs, and I said "hey, we want you here more, we need help and we want to be better partners and with you more". So I'm excited, I know Gary couldn't make the meeting and Jim couldn't. I think that...

MAYOR HELD: Tim, Tim Fox, and Councilman Mark Cerreta, they, all three of us were at the meeting. It really went very well. The Stark Development Board, we give them \$5,000 a year, which is not that, you know, it's not that much, but the service that we get from them is excellent. So they're really like the countywide economic development, they're like our economic development directors for the county. So they can provide a lot of assistance that we can't provide ourselves.

COUNCILWOMAN WERREN: Well, and they also get a lot of the leads. I mean they're working with Cleveland, Akron, they working with out-of-town vendors. So they're just, that's who they go to naturally. And then they can filter that off, and because of those monies that they receive from you, from the county, you know, they tie for everybody. So, they're a great partner.

MAYOR HELD: Yeah, we were really impressed. I mean it went well, Mark, do you think it went well?

COUNCILMAN CERRETTA: Very well, right. Looking forward to it.

MAYOR HELD: And that's all I have.

COUNCILMAN CERRETTA: And Steve's done a great too, by the way.

MAYOR HELD: Yes, yes.

COUNCILMAN CERRETTA: He's stepping down...

MAYOR HELD: Yeah, Steve has been there for 27 years, he's retiring. He's somewhat lives in North Canton, he lives in the Dells, so the Dells as you know is completely surrounded by North Canton. It's that little, little patch of land, in the middle of our city. But Steve's done an excellent job, and really Steve Paquette was the individual that we worked with on bringing the Hoover Company here.

COUNCILWOMAN WERREN: Oh, well.

MAYOR HELD: Yes, and so when we had the first anchor tenant, which was the big challenge for us, was Meyers Control Power. And we had given the Gantry Crane as a grant to entice them to come to the facility. It was Stark Development Board that actually did the financial assessment. At no cost. So that's really what prompted us to become, you know, official partners with the Stark Development Board, and pay them the \$5,000. So for, you know, on that deal alone, it was worth, you know, 20 years of \$5,000 worth of investment. Because, you know, they really facilitated bringing Meyers Control Power here, and they've still, they've been here from day one, they're paying income tax. The Gantry Crane and all the grants have been paid off, and now we've got jobs here. So it's very positive. That's all I have.

COUNCILWOMAN WERREN: I think he officially starts in November. So Gary, when you kind of get settled in it would be a good lunch meeting.

MAYOR HELD: Yeah, we were the first out of like 35 partners, we were the first one that they visited. So we took that as a compliment.

COUNCILWOMAN WERREN: Well, and I think they're going to make that a more proactive approach to really kind of get more people involved, and get out there more. So, that's great.

MAYOR HELD: Yeah, very nice.

COUNCIL PRESIDENT PETERS: Alright, Mr. Engineer?

ENGINEER BENEKOS: Sure, regarding our pavement. I understand your frustration, believe me I do. But this year is what it is, we aren't going to be able to change this year. We'll look at next year. One of the reasons we're at where we're at, when we do our paving program, it's not strictly a paving program. We replace catch basins, and we replace curb. We awarded the contract in mid-June, the contractor then goes out, he measures up all the catch basins and he has to order them. Then they come in, and then he starts installing them. He doesn't start paving until we get the curb done, and the catch basins done. He was a little late from the time we awarded the contract until he went out and started measuring the catch basins to put in the order. And we've talked to them about it. One thing we can do is try to identify those streets earlier next year, get the catch basins done sooner, and just start the program a little bit earlier, and be more aware of that. But that's why we're at where we're at right now.

COUNCILWOMAN WERREN: How many catch basins have we done?

ENGINEER BENEKOS: With the paving program? Probably over 30 to 50.

COUNCILWOMAN WERREN: Okay.

COUNCILMAN FONTE: Well, I think we had 70 some altogether.

ENGINEER BENEKOS: 70, yeah, outside the paving program, but within the paving program.

COUNCILMAN FONTE: And last year we did 174.

ENGINEER BENEKOS: Yeah, we do a lot of catch basins. If we're just paving streets, they would have been done by now. But we don't think that's the best way, I don't think you do either, but it's frustrating the delay.

COUNCILMAN FONTE: Jim, when do you think for us to be safe, because, I'd like to get it done as early as possible? I'm sure everybody's on board with that, just to get a jump on the streets next year. So we can get as many as we can get done. So do you think what by the end of January, I think, when's usually the deadline that you give us?

ENGINEER BENEKOS: I usually, once the budget's passed, January or February, I'll ask, give me streets now, you know.

COUNCILMAN CERRETTA: Well, Jim, we don't know until the winter hits us what streets are going to be in dire need. So, you know, you don't want to be spend wasted money, and neither do you. But let's look at that process, Jim, I mean can we change that process? I mean can we have someone do the catch basins, and then if you say it's no problem, someone come in and do asphalt. Do the asphalt, because that process is not working. Probably 3 out of the 4 years and we've been doing this, and it hasn't been working. One year we just blew it off, completely away. So let's look at the process, that maybe we need to look at something different. I know we only have a few people we can work with, but there's got to be people out there that's going to want to do our work and give us business. We need to, our people expect more from us on that. And I do too. To be honest with you, and I think everyone up here does. So let's take a look at that process, that can't keep working like that every year. And it's been doing it too often recently.

ENGINEER BENEKOS: It's difficult, the contractors are busy, catch basins aren't the top priority for them. We're still doing catch basins off the paving program, and they started those at the beginning of the year. They don't have those completed yet. So...

COUNCILMAN CERRETTA: Do we have people that we can contract just to do catch basins?

ENGINEER BENEKOS: No, they don't just do catch basins.

COUNCILMAN CERRETTA: People aren't out there, you've got your contractors that don't want to do that?

ENGINEER BENEKOS: There's contractors, I mean, the contractors that do this work, do more than just catch basins. I mean, they're not limited to that. But to try and get a contractor just to do catch basins, do them early in the year, that's going to be difficult. But...

MAYOR HELD: One thing that we can do too, is look at the contract, you know, we could set timelines in the contract, but, you know, then that also I'm sure would affect the cost of the project. So we could say we want it done by a certain day, but then that's, you know, inherently going to increase the cost. I don't know really know by how much, but I think it's something that we can look at when we're bidding out the project, to put that in there and...

COUNCILMAN CERRETTA: How many people bid on these things?

ENGINEER BENEKOS: Two, we get two contractors that bid.

COUNCILMAN CERRETTA: And that's an issue right there. You know, that's an issue. I mean, you've got a little monopoly going on right there. Maybe we can...

ENGINEER BENEKOS: Yeah, there are three, but typically the last couple of years we've only had two contractors that bid in the city on those. Now, you know, you save, we have to wait till the winter, you know, you wait until April to identify the streets, then you put together your contract, you bid it out, you still aren't going to award it before June. We're still in the same boat. I mean...

COUNCILMAN FONTE: I think we could get the streets to you quicker than that, because there are streets that are starting to crumble now. We'll know by next year, they're going to need it. I mean honestly, but I think you're right, since North Star seems to be the best bidder, at least they work well with us. I'm sure we're not the only municipality they're dealing with. It's just how do we give them doughnuts or get them to come our way a little quicker.

MAYOR HELD: Really the best thing that we could do, is if we look at the streets now, I mean if they're in poor condition now, they're likely going to be in worse condition after a heavy snow fall.

COUNCILMAN FONTE: Yes, I agree with that. So maybe what we do...

MAYOR HELD: So, if we can get started on that now, start picking the streets, because really what happens, you know, I've watched this like for 11 years. And it's like, it does follow the normal process which is, you know, okay, lets together the streets, and then once we identify the streets, and then once we put it out to bid, it's just a lengthy process. All the way around. But we can get a head start on it by selecting, you know, at least now selecting some of the top streets, get that in. And then what we can do is look at the contract to see if we want to put some deadlines, you know, I don't know if we can do it as like an alternate bid, like to put a deadline in and see what the price difference would be. You know, to have, to have it out there.

COUNCILMAN FOLTZ: What's to follow Jim, I know we've got Woodrow to do, 7th Street, Stratham.

COUNCILMAN GRIFFITH: Woodrow started today.

COUNCILMAN FOLTZ: Woodrow got started today. I wasn't up that way, okay, so that's good. So we're going to get some of these roads done yet this year, right? That don't have catch basins involved? So whatever's leftover we should come right out of the gate early next year. Right, not wait until we get catch basins and catch up, let's say "listen we want those roads that didn't get done" if it happens to get paved as soon as they start making product in April, or late March.

ENGINEER BENEKOS: We should be able to get done. I mean...

COUNCILMAN FOLTZ: Okay, so you feel confident, alright.

ENGINEER BENEKOS: Paving done until mid-November, temperature needs to be 40, 45 degrees. So we should be fine getting the roads done. You know, one option we looked at is maybe just one year you identify the streets you want to pave, but you just do the catch basins and curb work, and get that done that year. Then the next year you come back and pave those streets.

COUNCILMAN FONTE: That might not be a bad idea. Because once they grind them up its like boom they get it done quickly.

COUNCILWOMAN WERREN: Yeah, but to have those catch basins sit like that.

COUNCILMAN FONTE: Those catch basins are a mess. I mean, I just...

ENGINEER BENEKOS: They'll have to patch in around the catch basins, and that's going to be a little bit more costly.

MAYOR HELD: It just like we do that now, you know, you go down a street and you see a catch basin. Because they used to be made out of brick, and then they started, you know...

COUNCILMAN FONTE: Well maybe we can revise this a little bit to make it a little more efficient. That's the problem I think, is just how do we, maybe we do break it down like that. Because those catch basins, I mean if we did 170 some last year. I mean, can you imagine 170 some, and these are these huge concrete basins that go in. I mean that's a lot of work if you watch them do one. It's...

COUNCILMAN CERRETTA: So the same people were doing the catch basins then?

ENGINEER BENEKOS: Well they have a different crew that does the catch basins that come in and do that.

COUNCILMAN CERRETTA: Right, and they're like, how many people bid on just, would bid on catch basins? Maybe we need to find that out. I mean...

ENGINEER BENEKOS: We have about 4 or 5 contractors that we work with on those.

COUNCILMAN CERRETTA: There you go. You put out, that's a good process to change that up. It's kind of what I just said, like three minutes ago about get someone to do the catch basins, and then come back and repave it.

ENGINEER BENEKOS: But they don't only do catch basins, and that's not, they don't make a lot of money on a catch basin. So they're not going to drop all their other work just to come in and do catch basins. They're going to fit them in with their other work, you know, its filler work for them. If you're just hiring a contractor to do your catch basins. You know, Mike Battershell had to threaten a contractor and say "well, I guess we'll just find somebody else", you know, they'll come in. But those off the paving program, those are catch basins that he's doing separate, now, and he has trouble getting contractors in to that. So it's...

MAYOR HELD: Yeah, it's just a lower the challenge with it, because we want to improve it. And you're message is loud and clear.

COUNCILMAN CERRETTA: Well, there's no doubt you want to improve it, we're not, that's not, but I've got to think there are people out there that want work for God's sakes. I mean, they want money, its good money. We're looking at three or four people. I just...

COUNCILMAN FOLTZ: Business opportunity for somebody.

COUNCILMAN CERRETTA: A lot of people want work.

MAYOR HELD: Yeah, and it's just that there's like Jim was saying, when you looking at a big paving project it really is a good idea if, you know, because we have been working on replacing the catch basins. The city's program aside from doing a paving project, which has really worked really well, and if we get those in place. But then we're also compounding it by hey, we're going to pave the street, well let's do the catch basins too, and hey, let's have the contractor do them but he's doing the paving. Which makes sense.

COUNCILMAN FONTE: Yeah, well we have so many catch basins, that's what I know that's slowing us down, because we replace, I mean I just sent you one two minutes. Another one.

MAYOR HELD: Yeah, and as we replace these, the good thing is, we used to replace them with brick with brick. So we put all this salt down and some of them, they weren't even lasting five years. They're just subsidizing. So now these pre-cast they'll last like 30, 40 years, right? They'll be around a lot longer than we will.

COUNCILMAN FOLTZ: Plus we're using less salt. Which is part of the problem that we're redoing the curbs on West Maple because the salt probably destroyed those curbs. Those curbs should have lasted than what they did.

MAYOR HELD: Right, that's exactly right.

COUNCILMAN FOLTZ: Those curbs probably aren't 25 years old. Here we are replacing them already.

COUNCILMAN CERRETTA: Well, salt and concrete don't really mix.

COUNCILMAN FOLTZ: Right, they don't. So, we'll just be more efficient all the way around. Okay, thank you for the update.

COUNCIL PRESIDENT PETERS: Director of Permits and Development.

ECONOMIC DEVELOPMENT DIRECTOR FRY: Nothing other than what's been discussed already.

COUNCIL PRESIDENT PETERS: Madame Clerk?

COUNCIL CLERK BAILEY: No report tonight.

21. Final Call for New Business:

22. Adjourn:

COUNCIL PRESIDENT PETERS: Alright, that's it, I'll entertain a motion to adjourn. Oh, hold on, hold on, hold on. We are on schedule for, okay, we have the, we will not be meeting next Monday the 17th, we'll be having a committee and a legislative meeting the 24th, and then we will not be meeting on the 31st as well. I'm going to take a roll call vote for that. I need a motion and a second to move the, or not have a meeting on the 31st of October. That's the fifth Monday.

COUNCILWOMAN WERREN: So moved.

COUNCIL PRESIDENT PETERS: Is there a second?

COUNCILMAN GRIFFITH: Do we need a motion, because it's the fifth Monday.

COUNCILWOMAN WERREN: It the fifth Monday.

COUNCIL PRESIDENT PETERS: No I don't, no we don't.

LAW DIRECTOR FOX: It doesn't hurt.

COUNCIL PRESIDENT PETERS: Alright, is there a second?

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to not meeting on Monday, October 31, 2016.

COUNCIL PRESIDENT PETERS: With that?

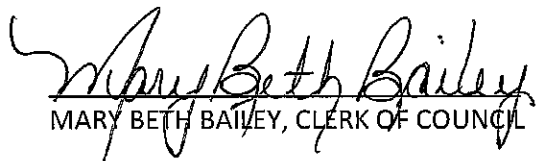
COUNCILMAN FOLTZ: Motion to adjourn.

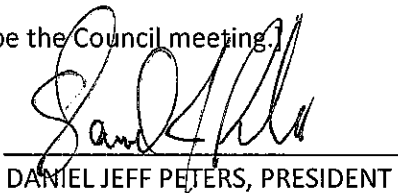
COUNCILMAN CERRETTA: Second.

Roll call vote of 6 yes to adjourn.

COUNCIL PRESIDENT PETERS: We are adjourned.

[Let the record reflect Charles Osborne set up a tripod and appeared to videotape the Council meeting.]


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT